Mr K. M Ibrahim:— On what grounds?

Rama Varmha Tampuran:—The grounds are obvious. The area itself is not a complete criterion. There are so many other factors as well

Mr. K. M. Ibrahim:—Then kindly let us have one or two instances of these

Rama Varmha Tampuran:—Trichur is more crowded than Ernakulam. Secondly it is quite in the inland of the State and therefore more roads come into the town than at Ernaknlam. That may be another reason. At Ernakulam on one side there is the backwaters

Mr. K. M. Ibrahim:—Have you included backwaters also?

Rama Varmha Tampuran:—Because otherwise more roads will have to be provided for

Mr. Paul Mampilli:—Has not the paucity of funds something to do with the paucity of roads in Ernakulam?

Rama Varmha Tampuran:—Everywhere paucity of funds has to account for similar situations.

Mr. Paul Mampilli:—So do not the Government think that Ernakulam requires more roads than there are now actually?

Rama Varmha Tampuran:—I think it is desirable to have as many roads as possible in any town.

Mr Paul Mampilli:—Has not the Municipality applied for fnuds for construct ng roads?

Rama Varmha Tampuran:—They always provided some money in their budget for this work and put up new roads.

Mr. Paul Mampilli:—Has not the Municipality applied to the Government for funds for the construction of new roads?

Rama Varmha Tampuran:—I don't remember.

Mr K. M. Ibrahim:—Have the Government realised the point that Ernakulam is the capital of the whole State?

Rama Varmha Tampuran:—Yes.

Officiating District Registrar—Seniority of.

170. Mr. P. Raman Menon:—Will the Government be pleased to state:—

(a) the names of the officiating District Registrars who have been adversely affected by order L 3. 7902/09, dated 22nd September 1934;

(b) the qualifications, present pay and length of service as District Registrars, of those persons who were adversely affected by this order;

(c) the name of the persons who were benefited by this order;

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(d) the qualification, service as District Registrar, and the pay of those benefited on the date of the order ?

Rama Varmha Tampuran:—(a) None of the officiating Registrars have been adversely affected by the order;

(b) In view of the answer to (a) the question does not arise;

(c) None could be said to have been specially benefited by this order. Mr. Vareed's complaints were found to be true.

(d) No answer is required in view of the reply to sub-division "c".

Mr. P. Raman Menon:—May I know, Sir, the rule obtaining at the time when this order was passed about the seniority among acting hands?

Rama Varmha Tampuran:—At the time the order was passed it was seniority according to grade.

Mr. P Raman Menon:—Then if that was so I suppose the order went against that rule?

Rama Varmha Tampuran:—It did not, because the situation to which the order applied was one when the test was something quite different.

Mr. P. Raman Menon:—Suppose the rule obtaining at that time was applied then some persons other than those who have been benefited by the new rule would have obtained some advantages.

Rama Varmha Tampuran:—That could not be applied to the particular situation in hand.

Mr. P. Rama Menon:—Suppose the rule obtaining at that time had been applied then who were the persons who are adversely affected by that order?

Rama Varmha Tampuran:—That rule cannot be applied because this is an appeal petition. If it were not an appeal petition, then the Hon'ble Member's assumption is quite correct. This is an appeal petition on an issue which has happened about 4 or 5 months back. It would not be proper to ignore the rules then existing.

Mr. P. Raman Menon:— Who were the persons who were entitled to have confirmation if the rule was that the senior in the grade should be confirmed.

President:— It is a hypothetical question.

Mr. P. Raman Menon:— The question that I meant was suppose the rule is to the effect that the person in the higher grade should be confirmed. If that were so, who were the persons to be confirmed ?

President:— That is a hypothetical question.

Mr. E. Ikkanda Warriar:—Was there any change of rule or was there a change of interpretation of the previous rule ?

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Rama Varmha Tampuran:— Both lead to the same result.

Mr. E. Ikkanda Warriar:— When they interpreted it differently, did the Government think of giving retrospective effect ?

Rama Varmha Tampuran:—There was an appeal petition. In that petition it was contended that when orders were passed which was about 5 or 6 months back, the rules then existing had not been given effect to. That was the appeal petition before the Government and the Government found that that appeal was quite correct. That was all that has been done. There was no idea of giving retrospective effect.

Mr. E. Ikkanda Warriar:— May I know what exactly is the present rule ?

Rama Varmha Tampuran:— The rule in question at the moment is that seniority will be decided by the higher grade to which a person has been first appointed.

Mr P. Raman Menon:— May I know whether that was not the rule ?

Rama Varmha Tampuran:— That was not the rule when the order was passed.

Mr. P. Raman Menon:— May I know whether that was not the rule before the new interpretation was given ?

Rama Varmha Tampuran:— There have been a series of new interpretations to any number of rules in the C. S. R. Even the rule in question has received 2 or 3 separate consideations of interpretations at different times.

Mr. E. Ikkanda Warriar:— Am I not to take it that the seniority should be decided by the higher grade was the rule prevailing then ?

Rama Varmha Tampuran:— That is not the question. It is rather difficult to answer this question. There is an original rule That rule was amended as a result of certain petitions. When that rule was obtaining a certain order was issued. A person then complained and that was the appeal before the Diwan. The Government considered whether in passing the order against which the appeal has been lodged, had given due weight to the rules then obtaining. It was found that it has not been done. There is no question of giving retrospective effect.

Mr. P. Raman Menon:— What was the reason for changing this rule ?

Rama Varmha Tampuran:— Some persons have been complaining. The question was referred to all heads of

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departments and their opinions were obtained. In the meanwhile, discussion had taken place in this House on the merits of the new clause and as a result of these things and a consideration of the points involved, they passed a further order. If again, complaints arise the question may have to be gone into further.

Mr A. Sivarama Menon:— Will the Government consider the desirability of making the rule specific ?

Rama Varmha Tampuran:— The rules are quite specific.

Mr. A. Sivarama Menon:— The Hon'ble Secretary said that these rules have been differently interpreted on different occassions. If that were so, may I know whether these rules are not giving trouble for want of specific wording ?

Rama Varmha Thampuran:— It was not a question of ambiguity at all in the rule. The rule is absolutely specific.

Mr. P. Raman Menon:— Were the Government satisfied that it was unjust ?

Rama Varmha Tampuran:— Yes.

Mr. P. Raman Menon:—What was the reason for following that unjust rule?

Rama Varmha Tampuran:—In the Civil Courts, that is the case. The Munsiff may decree a suit, the District Judge may reverse that decision and the Chief Court may confirm the Munsiff's decision. Similarly, different arguments were put forward at different times and as a result of all those things, orders were passed. There is nothing wonderful or strange about it.

Mr. P. Raman Menon:—What was the particular thing that led the Government to follow that unjust rule?

Rama Varmha Tampuran:—They have not followed any unjust rule. That is quite a wrong presumption first and foremost. First of all, the rule was that seniority in grade or seniority according to the service in a particular office should be counted. Then certain clerks represented that they had acted in other offices before they came there and that the total service should be the criterion. The Government considered that question and thought that there was some force in their argument. That was conceded. When this petition came, the Government thought that they would consider the question after referring the matter to the heads of departments as well And partly as a result of their opinion it was ruled that seniority should be decided by confirmation in the higher grade. That is how it happened.

Mr. K. M Ibrahim:—Are not some of these interpretations discovered with reference to particular personalities?

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Rama Varmha Tampuran:— The Hon'ble Member is making false assumptions, to put it, in the mildest form.

Mr. E. Ikkanda Warriar:—In the administration of this rule, were not the Government compelled to give different treatment to different persons in the course of a year or two?

Rama Varmha Tampuran:— No.

Mr. E Ikkanda Warriar:—Within the course of the last one or two years without any petition coming up, did you not give preference to cases where the total service alone was considered?

Rama Varmha Tampuran:—I cannot answer this question specifically. I can only assure the House that the Government have followed scrupulously the rules then in force.

Mr. E. Ikkanda Warriar:—We want to assure ourselves that these rules were not interpreted for giving preference to these persons.

Rama Varmha Tampuran:—Perhaps the difficulty is that the word 'interpreted' was used. The word 'modified' might have been more appropriate.

Mr. P. Raman Menon:—Does that show that when this particular order was passed, the rule in force was a different one?

Rama Varmha Tampuran:—I explained that point The particular case did not arise for consideration then. The particular case arose for consideration only 6 months later and the clerk who had been adversely affected complained. He complained that the rule then in force was not applied at the time.

Mr. A. Sankara Poduval:—I suppose that the final interpretation was adhered to.

Rama Varmha Tampuran:—Yes.

Mr. A. Sankara Poduval:—May I take it that the original rule has been modified?

Rama Varmha Tampuran:—Yes.

Mr. A. Sankara Poduval:—May I further take it that that modified rule obtains and is consistently followed.

The College Play-grounds.

171. Mr P. Raman Menon:—Will the Government be pleased to state:—

(a) whether the article entitled "ദിവാൻജിയുടെ ശ്രദ്ധയ്ക്ക്—കോളേജ് പ്ലേഗ്രൗണ്ട്" in the *Gomathi* dated 27th Kanni 1110 has been brought to the notice of the Government;

(b) what if any action was taken on the same?

Mr. V. K Aravindaksha Menon:— (a) Yes.

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